

**DOCKET NO.:** JANS-0090 (PRD2066USPCT)  
**Application No.:** 10/564,844  
**Office Action Dated:** December 31, 2007

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

## REMARKS

Claims 1-19 are pending in the present application. The Office has indicated that claims 1-13 are directed to allowable subject matter. Claims 1, 12, and 19 have been amended to delete reference to “N-oxides.” Claims 14, 15, and 16 have been amended to delete reference to “prevention.” Claims 15 and 16 have been amended to even further define the recited inventions. No new matter has been added. The Applicants assert that the present amendments raise no new issues and that they put the case in condition for allowance. Entry of the amendments is, therefore, respectfully requested.

The undersigned thanks Examiner Murray for the telephonic interview conducted on January 11, 2008. The status of the pending claims was discussed. The discussion focused on certain typographical errors in the December 31, 2007 Office Action. As Examiner Murray confirmed, the text should have read, “Claims 1-13 allowed. Claims 14-19 are rejected. Claims 1-19 are pending in this application. This action is in response to the applicants’ amendment after a non-final and reply filed on October 10, 2007.” Also discussed was that the document submitted with the application on September 12, 2004 is the English version of PCT/EP03/50310.

### **Rejections under 35 U.S.C. §112, first paragraph**

Claims 14-19 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly non-enabling for N-oxides or the “prevention” of the diseases listed in the claims. While the Applicants do not necessarily agree, the claims have been amended to delete reference to “N-oxides” and “prevention.” The Applicants reserve the right to prosecute the deleted subject matter in continuing or divisional applications. The rejection is thus considered moot.

Claim 14-19 also stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly non-enabling for every disease listed in the claims. The Applicants assert that the full breadth of the claims is enabled by the specification and that one skilled in the art would be able to practice the invention without undue experimentation. Nevertheless, in order to advance the case to allowance, the claims have been amended to refer specifically to “type 2” diabetes (see specification at page 33, line 22; page 34, lines 20-21; page 35, lines 17-18). The term

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“inflammatory diseases” has been amended to refer only to “GSK3-mediated” inflammatory diseases. The term “cancer” has been deleted from the claims. The rejection is considered moot.

**Rejections under 35 U.S.C. §112, second paragraph**

Claims 17 and 18 stand rejected under 35 U.S.C § 112, second paragraph, as allegedly indefinite as to the term “therapeutically effective amount.” The Applicants assert that the term is readily understood by one skilled in the art and its use does not render the claims indefinite. In addition, the Applicants direct the Office’s attention to the specification at, for example, page 37, lines 30-37, where this is described. The Applicants also note that this term is present in numerous issued U.S. patents, including U.S. 7,326,708 (claims 17-20), U.S. 7,323,484 (claim 3), U.S. 7,300,936 (claims 23-24), and U.S. 7,294631 (claim 8), all of which identify Examiner Wilson, who is also associated with the prosecution of this application, as the Primary Examiner. The Applicants request reconsideration and withdrawal of the rejection.

\* \* \*

The foregoing represents a *bona fide* attempt to address all remaining issues raised in the December 31, 2007 Office Action. The claims are considered in condition for allowance. An early Notice of Allowance to that effect is, therefore, earnestly solicited.

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